

Land Rights Concerns in Tanzania:

The Case of Mwambani Harbour and Development Plans

November 2010



Summary of Findings

Chronological Summary of Events

- **In 1977**, as part of the Ports Development Study commissioned under the then East African Harbours Authority, a first proposal for building an 'extension' of Tanga port in Mwambani Bay was made, but never implemented due to the collapse of the Tanga sisal industry after nationalization.
- **Twenty two years later, in 1999** the Tanzania Port Authority (TPA) started with the implementation the 1977 proposal for building, through eviction of Ndumi village.
 - In the eviction procedures followed, the Land Act 1999 was violated, as the amounts of compensation paid were far below legal requirements, and up to today the villagers have not received 147 out of the promised 200 plots.
- **Nine years later, in 2008** the Government of Tanzania presented another draft of the harbor plans. While both, the 1977 Port Development study and the First Draft of the TPMP 2008 locate the harbour area on Ras Nyamaku peninsula, cleared from human settlements in 1999, the Final Draft of the TPMP of November 2008 locates the future port area in the densely populated central section of Mwambani Bay.
 - As a result, residents of the area between Ndumi and Mwambani were informed in 2008 about the new port plans and told to move away within six months. During this exercise 250 households were marked with red numbers.
- **Two years later, in September 2010**, these 250 households, received another verbal information that they "should collect their cheques for compensation from the Tanga Municipality within one week". This affects mainly the villages and settlements of Ndumi (to be translocated for a second time in 10 years), Kivumbitifo, Saru, Magaoni, Mzingani, and probably later also Mwambani, Mchukuni, Mwahako and others.
 - The amounts on the cheques ranged from a few hundred to a few thousand US\$ in Tshs, which is only a tiny fraction of the market value of the land in the area.
 - Villagers, mostly poor farmers and fishers who depend on the area for their livelihoods, were not allocated alternative land for settlement as promised during village meetings in 2008 and 2010.

Associated legal human rights and environmental concerns

- The new deep-sea harbor plans have not yet been approved through the official channels, have no financing yet, and there are also serious doubts about its nautical and economic feasibility in the shallow Mwambani Bay, and in close proximity to the underutilized Tanga port.
- No Environmental Impact Analysis (EIA) for the planned port development has been conducted as required by the Environmental Management Act 2004 prior to any land acquisition.
- The deep-sea port development plans are not compatible with the Tanga Coelacanth Marine Park, gazetted in 28.8.2009 in the same area, in order to protect one of the world's rarest and most enigmatic deep-water fishes, the Coelacanth (*Latimeria chalumnae*), a highly endangered Cites I species.
- The ongoing evictions violate the Land Act 1999 and basic human rights

The Case of the Mwambani Harbour and Development Plans

Introduction

In Tanzania, land has immense economic, political, cultural and symbolic significance. How land should be used and by whom, who should own and control it, how its fruits should be shared have always been central to discussion around development in Tanzania. However with an annual population growth rate of 2.9 per cent, respective migration, expansion of urban areas and increased need for economic development, land and access to land are increasingly becoming matter of power and wealth, where those that are most vulnerable, the poor, women and young, are losing out on. One of these cases can currently be witnessed in Mwambani Bay south of Tanga, where highly controversial development plans of a deep sea port have led to forced illegal evictions that threaten the livelihood of local residents.

Drawing upon expert reports, press articles, historic documents and interviews with local residents, the following report analyses the situation from economic, environmental and human rights angles, thereby raising awareness about ongoing human rights violations and breaches of both, international conventions and national laws and regulations.

	<p>The Area</p> <p><i>Mwambani Bay</i> is located ca. 8km south of the Tanga, a coastal town in Northeastern Tanzania close to the border with Kenya. The bay is ca 5.7 km long and located at Latitude 5°9'0 S/ Longitude 39°7'0E. The land area is fairly densely populated, the main villages are Ndumi, Mwambani, Saru, Kivumbitifu, Magaoni, Mzingani, Mwahako, Mchu-kuni, Mwarongo and several smaller settle-ments with an estimated population of above 5000 people. The main occupations of the inhabitants are small-scale agriculture, artisanal fishing, trade and to a smaller extent, seaweed farming. Mwambani Bay is bordered by two uninhabited islands, Yambe Island and Karange Island.</p> <p>The Cites I species Coelacanth (<i>Latimeria chalumnae</i>) was discovered off Yambe and Karange Islands in 2003. More specimen than anywhere else in the world were caught as accidental by-catches by local fishers in the following years. For its protection and the sustainable management of the marine and coastal natural resources of the area, the whole of Mwambani Bay, adjacent land and offshore islands were included in the Tanga Coelacanth Marine Park that was gazetted in 2009.</p>
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The Mwambani Harbour Plans 1977-2010

The first proposal for building an 'extension' of Tanga port in Mwambani Bay is contained in a Ports Development Study commissioned in 1977 under the then East African Harbours Authority¹. The study

¹ East African Ports Development Study, Tanzanian Ports excluding DSM, International Bank for Reconstruction and Development and the East African Harbours Corporation, October 1977 (data up to 1975).

was conducted at the peak of the booming sisal industry in Tanga, and listed the Mwambani port extension as one option for capacity increase of Tanga Port after year 2000.

However, as a consequence of nationalization of sisal plantations and loss of international markets for this natural fibre, the Tanga sisal industry collapsed shortly thereafter. Therefore, as we know now, port traffic forecasts of 1.3 Mio metric tons for 2000 were extremely optimistic, and in actual fact more than four times the actual traffic in 2002 (295.000 MT). Though cargo flows of Tanga port have increased since then, the above mentioned traffic forecast for 2000 has not been reached even up to 2010. Moreover, experts observe that the Port extension proposal of 1977 is now obsolete, as port operations have changed considerably over the last decades, regarding operations, technologies and environmental considerations.

In particular, the 1977 proposal did not take into consideration the *containerization* of most cargo over the last decades that has drastically reduced cargo turnover time and thus, if well managed, potentially enhanced the Tanga port capacity in its present location.

Equally, *environmental concerns* were also not yet on the agenda in the seventies. For example, the 1977 proposal does not mention that the new port would require blasting of extensive coral reefs to deepen and widen the narrow channel between Yambe and Karange Islands, as well as huge landfills and dredging in this area that mainly consists of a shallow bay bordered by extensive mangrove swamps and forests that are also protected by law as Forest Reserves under the Forest Act No.14 2002 that came into force in 2004.

Similarly, *social aspects* had also been ignored in this study of 1977, in particular the fate of several village communities that would have to be evicted from this densely populated area of future Port and associated Economic Processing Zone (EPZ) development: Tangasisi, Sahare, Ndumi, Magaoni, Mwambani, Mchukuni, Mwashako and others who are using the land and marine resources for their livelihoods in the area up to now.

The first 'pre-emptive' evictions in 1999

Nevertheless, over 20 years later, and without any update of this obsolete Port extension proposal of 1977, the Tanzania Port Authority (TPA) started with its implementation in the late nineties, and proceeded with a first phase of evictions of the Ndumi villagers from their ancestral land and solid stone houses. Altogether 92 ha were cleared on the Ras Nyamaku peninsula, and as the villagers claim, without proper compensation.²

No further development followed until 2003, when TPA presented the above mentioned 1977 study in a Port Stakeholder Meeting as their 'blueprint' for a new port, while the urgent need for maintenance and upgrading of the Tanga Harbour in its present location was not discussed. Though meant as a stakeholder meeting, TPA invited mainly local politicians and Government officials, only one shipping agent and none of the port users. The purpose of this meeting was to win support of local politicians for an application for NEPAD funding for the new Mwambani port, in combination with an Economic Processing Zone (EPZ) in the Ras Nyamaku peninsula that borders Mwambani Bay (the former Ndumi village land).

Rather surprisingly, TPA did not make a strong case for a new port in this meeting. The Port Manager presented figures on capacity and traffic, according to which capacity utilization in 2002 was only 58%, while projections to 2008 were only 65%, both evidence of major under-utilization. He also stated that, "The port doesn't experience congestion, and delivery of cargo from the port is fast."

In 2007, the local and regional press reported that the Government of Tanzania had approved the Mwambani Harbour and prepared a Memorandum of Understanding (MoU) with the Kuwait and Gulf

² <http://www.tnrf.org/node/12050>

Link International (KGLP) for a 400 million US\$ BOT (Build, Operate, Transfer) contract. However, KGLP allowed the one-year MoU to expire without further action.

From March 2008, the World Bank funded a Tanzania Port Master Plan (TPMP) for the Tanzanian Port Authority that was commissioned to the consultants Royal Haskoning (Netherlands) and Interconsult Ltd (Tanzania). In the Final Draft dated 7 November 2008, the TPMP proposes four scenarios for the future coastal port development. Scenario 4, which is recommended as most preferable, proposes building of a new harbour in Mwambani Bay (together with development of another harbour in Bagamoyo).³

Lack of Stakeholder involvement

Though an important requirement for World Bank-funded planning, the stakeholders, above all residents of the area who would lose their land, houses and livelihoods, as well as the port users from the Tanga business community and their business associations (Tanzanian Chamber of Commerce, Industry and Agriculture TCCIA & Confederation of Tanzanian Industries CTI), have not been consulted in the planning process of TPMP and the new Mwambani Harbour developments so far. Though another Stakeholder seminar was held in DSM in September 2008 with World Bank funding to discuss the Draft Master Plan, the Tanga business sector and affected village communities were not invited.

Excluded from the planning process, while suffering the high costs of technical and operational problems and poor management of Tanga port, representatives of the shipping industry and local business community produced a Technical paper titled *"Does Tanga need a new harbour at Mwambani?"*, where they ask for urgent maintenance, better equipment and improved management of Tanga port in its present location, and challenge the need for a new port altogether.⁴

When the World Bank funded Master Plan of 2008 was received through unofficial channels and circulated among key port users, they expressed deep concern that they had not been consulted about their requirements, experiences on port usage and precise data of past & present cargo, trends etc. in the whole planning process. They observed that the consultants apparently relied on quite incomplete and even erroneous and outdated data of the Port Authority.

As a result, the figures of past and present cargo turnover and future trends in the Master Plan both under- and overestimated the present situation and future trends in many respects. Port users felt they could have provided far more accurate facts and figures. For example, as pointed out by a stakeholder who uses 65% of Tanga port capacity, the actual turnover in 2007 was already much higher as indicated, as his company alone had already loaded more than the total figure given for 2007 in the Plan. He also claimed that the capacity of Tanga port, if well managed and equipped, could already today reach up to 3 million MT/year, which is the best optimistic projection for the year 2028 in the Master Plan.

Non-feasible, Poor Economics and No Funding available

Port users wondered, why the Master Plan failed to analyse the more obvious, feasible and low-cost alternative development options for Tanga port in its present location (dredging of the shipping channel after decades of siltation from the Sigi River, extension of quay into deep water, additional quay). For example, in the Plan dredging costs of Tanga port were just said to be 'very expensive', without substantiating any amount, and not comparing this with development costs of a new port in the very shallow Mwambani Bay that requires massive blasting, dredging and landfills, that is, earth movements of a much larger scale.

³ Tanzania Port Authority, Final Draft Tanzania Port Master Plan, Dar es Salaam, Nov 2008

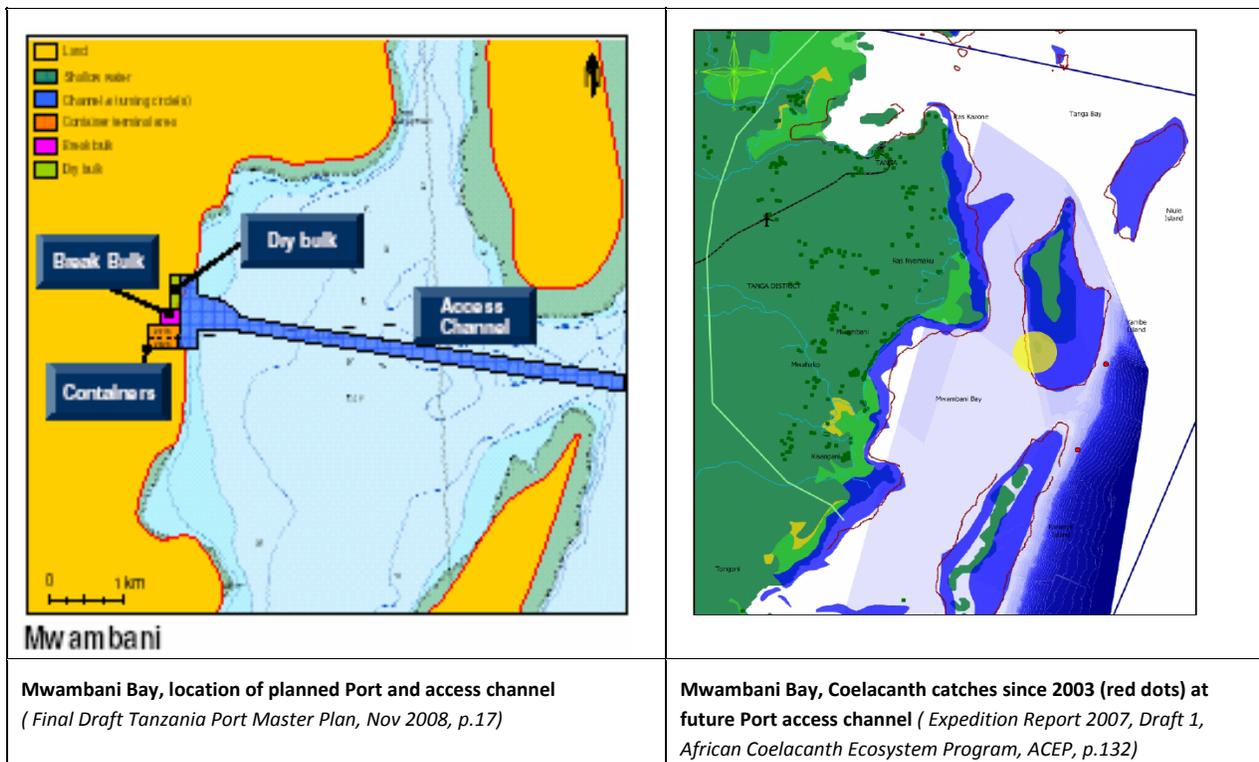
⁴ See www.tnrf.org/node/7066

Thus port users felt that professional Environmental Impact, Feasibility as well as Cost Benefit Analysis studies are urgently required before any further developments. They saw this as an even more critical omission, as the development costs of a new port at Mwambani were grossly underestimated to be only 113-164 million US\$ in the Master Plan 2008, while later figures published by GoT in the press were 400, 600 and 900 million US\$ respectively, and a World Bank official estimated them to be above 1 billion US\$.

Meanwhile, TPA proceeded with the Mwambani port plans without having secured funding for it. In the Coelacanth Scientific Feedback Workshop held in Tanga in October 2008, TPA officials were adamant that the Mwambani Port was there to be implemented ("it is planned for a long time already"), and that they were still looking for an investor, because, to their disappointment, "the Kuwaitis haven't come back to fulfill their obligations of the MoU on the feasibility study, which has meanwhile expired".

A senior World Bank official in Dar es Salaam also expressed serious doubts about the nautical feasibility of a deep-sea port in the shallow Mwambani Bay, and categorically stated that, "the World Bank has no intention to finance any of this. If we would, a thorough environmental and social impact analysis would have to be done prior. In our comments we are likely to say that we feel that decisions on the future development should not be taken until, first the port of DSM is better utilized, second a more strategic analysis is done taking into account nautical, environmental, social, and aspects related to the hinterland connections."

Associated Environmental Concerns: The Tanga Coelacanth Marine Park



Not only port users and business stakeholders were excluded from the planning process. There has apparently also not yet been any consultation between TPA and the Government departments planning the Coelacanth Marine Protected Area (MPA) in the area, in particular, the Marine Parks and Reserves Unit under the Ministry of Livestock and Fisheries Development that is responsible for the protection of this highly endangered Cites I species, based on international treaties that the Government of Tanzania is signatory of. Apparently, there is no discussion, neither public, nor even within Government, on the

compatibility of the two development plans for the same area, and the whole process suffers from lack of transparency and of stakeholder involvement at all levels.

The first officially recorded catch in Tanzania of one of the world's rarest and most enigmatic deep-water fishes, the Coelacanth (*Latimeria chalumnae*), was made in September 2003. This stimulated considerable interest and was announced two days later at the World Parks Congress in Durban/South Africa by Dr Sylvia Earle.⁵ By September 2005, already 25 Coelacanths had been caught in Tanga, Mtwara, Lindi, Dar es Salaam and Zanzibar by artisanal fishers using deep-set shark gill nets (locally called Jarife). Of these, 19 were caught in a six month period, which is the highest number of Coelacanths caught in the shortest time anywhere in the world. Around Tanga, over 50 Coelacanths, among them 2 pregnant females, were caught around Nyule, Yambe and Karange Islands and southern reefs up to 2010, more than anywhere else in the country. These figures suggest that the species is now under considerable threat in Tanzania.

For its protection, and the sustainable management of the marine and coastal natural resources of the area, the Tanga Coelacanth Marine Protected Area was legally gazetted on the 28.8.2009. The park covers 552 square kilometres of coastal land and marine waters stretching south of Tanga, and includes Toten Island, Mwambani Bay, Yambe and Karange Islands, southern reefs and Kigombe area. Staff of the Marine Parks & Reserves Unit have been posted to Tanga and Kigombe, a study conducted on livelihood enhancement of local communities, and a General Management Plan is now being drafted, both with assistance of IUCN.

No Environmental and Social Impact Assessment (ESIA)

While particularly strict regulations apply for any building within Marine Parks⁶, the Environmental Management Act (EMA) of 2004 also requires an Environmental and Social Impact Assessment prior to land acquisitions for infrastructural development. The Director of the Government lead agency National Environmental Management Council (NEMC) stated in an interview, that NEMC had not yet been involved in the planning of the new port in Mwambani Bay, and that it was illegal to take land before a development had been approved based on an ESIA, and following the required procedures.⁷

Associated Land Rights and Human Rights Concerns

Meanwhile, facts continue to be created on the ground by the Government. While both, the 1977 Port Development study and the First Draft of the TPMP 2008 locate the new harbour area mainly on Ras Nyamaku peninsula, which has already been cleared from human settlements in the late 1990s, the Final Draft of the TPMP of November 2008 now locates the future port area right in the densely populated central section of Mwambani Bay.

As a result, the residents of at least further 80 ha of land are now being evicted by TPA and the Tanga Municipality. This affects mainly the villages and settlements of Ndumi (to be translocated for a second time in 10 years!), Kivumbitifo, Saru, Magaoni, Mzingani, and probably later also Mwambani, Mchukuni, Mwahako and others. During a village meeting in August 2008, residents of the area between Ndumi and Mwambani were informed about the new port plans and told to move away within six months.

Over 250 houses were registered and marked with red numbers for demolition (see photos). Shortly thereafter, a delegation of one of the affected villages visited the Tanga Regional Commissioner to express

⁵ Joint Report of the Coelacanth Science Planning Workshop, University of Dar es Salaam, 11 June 2007 and Coelacanth Stakeholder Workshop, Mkonge Hotel, Tanga, 13-15 June 2007

⁶ Ministry of Natural Resources and Tourism, Guidelines & Procedures for Development of Investments in Marine Parks, Reserves and Small Islands. The Board of Trustees, Dar es Salaam, March 2006

⁷ The Citizen on the 24.5.2010

their concerns about the way the expropriation and compensation for loss of land and houses was being handled, as reported in the press:

Tanga Regional Commissioner Mohamed Abdulaziz has warned that he will sack municipal land officers for failure to give adequate report on compensation to `wananchi` ('citizens', translation added) supposed to shift from Mwambani to pave way for the new port, reports Shariff Athumani and Ramadhani Juma, MUM-Tanga. The RC gave his phone numbers to `wananchi` when called on them to report in case they are dissatisfied with the officers services. `I am not joking, I want wananchi to be paid accordingly,`` said the RC. The valuation exercise for properties of 500 people at Tangasisi has brought a lot of controversy for the past three months causing some villagers to lose faith with land officers. Speaking during a meeting with the regional authorities, the villagers said their reluctance came after land officers sold their property without their consent. `Honourable RC we feel that there is no point to talk with municipal planners because they have been conning us by selling our plots of land to foreigners,`` said Mbwana Paulo. Source: The Guardian, 17.12.08

Village houses marked for demolition



In further village meetings in April 2010, attended by regional, city, district, ward leaders, city planning officials and the Port Manager, as well as villagers from Ndumi, Saru, Magaoni, Mzingani, Kivumbitifu, Mwambani, and others, people were informed that they all had to be moved out of the area from 2011 for the Mwambani Port development starting in 2018. The area to be cleared at this stage was mentioned to be the northern section of Mwambani Bay all the way from the coast to the Pangani Road, an area of at least 240ha.

Importantly, in these meetings, the Government officials for the first time *promised alternative land and informed villagers that they would be relocated*: Ndumi and Mwambani villages to Mgwuicho on the Pangani road, and the others further inland to Kange on the Muheza road. No information was given on resources of the new areas and sizes of plots to be allocated for resettlement. Villagers were also told that the government had budgeted for compensations to rebuild their houses, but no amounts were given.

As reported, most villagers in the meeting expressed opposition to the idea of moving and giving up their livelihoods, as many are fishers, farmers and traders who depend on the resources of Mwambani Bay and its proximity to Tanga City. The Ndumi village leadership argued that they were already evicted for the first time 10 years ago and had not received 147 out of the promised 200 plots up to now.

Others argued that they would not accept financial compensation, as this would nowadays never be enough to rebuild their houses. They would only reconsider, if the government built them the houses and "then they would look at them and decide". Many have already built solid new houses in plots that were allocated to them by the land office until very recently, or just continued developing their plots, after the compensation promised to be "paid within 6 months" in the village meeting in 2008 was not forthcoming.

Illegal evictions of local people have started

However, in the first week of September 2010, the about 250 households of the area north of Mwambani village that were marked with red numbers in 2008, got verbal information that they "should collect their cheques for compensation from the Tanga Municipality within one week". *The amounts on the cheques ranged from a few hundred to a few thousand US\$ in Tshs, which is only a tiny fraction of the market value of the land in the area. And even more importantly, villagers claim that the Government now disowned the offer of alternative land for resettlement, that was given in the village meetings mentioned above.*

Legal consultation confirmed that the proper required procedures were not followed, as the government cannot simply decide and issue cheques for compensations, but is obliged to enter into negotiations with villagers, assess the properties jointly and compensate according to the Land Act 1999, that is, at market rates of the land and properties.

In an apparent attempt by Government officials to avoid issuing any documentary evidence of these clearly illegal procedures, the affected households did not receive any written notification of the eviction and compensation. One of the affected landowners confirmed that she had been asked 'unofficially' by a Land officer to "go to the Land office and collect her cheque, and see what Government is prepared to offer her for her plot". She refused to go, said that she waited for an official letter and would then take this to a lawyer. She has up to now, 2 months later, not received any such letter.

The village chairman of Ndumi also confirmed that cheques were being issued to neighbouring villages, but none to the Ndumi residents, who had not been compensated fully in the first eviction of 1999 (more below). Therefore, the Ndumi residents have refused to have their new plots and houses registered for compensation, and were thus not included in the ongoing exercise.

Local reports suggest that, against legal advice and with the exception of Ndumi villagers, most of the 250 affected households have now collected and cashed their cheques, as they are very poor, ignorant of their legal rights, feel powerless, and have been made to believe that "this was the last chance to get anything at all for their land and properties", and that the Mwambani port is a "project of national interest that will bring development to them".

And more land will be taken...!

Meanwhile, the Government has announced that even more villages of the Mwambani Bay area would be evicted for the port development, as 150 more hectares are required for 'railway links to the new port' (see below).

In an election campaign meeting in Tanga on the 9.9.2010, the by now reelected President and the CCM candidate for Tanga promised industrialization and massive developments for Tanga, including roads to Mombasa, Bagamoyo and a "new port in Mwambani". Nobody mentioned the Tanga Coelacanth Marine Park, which is probably unknown to 99% of Tanga residents.

The Special Case of Ndumi Village



Mwambani Bay is historic land that was settled and linked with the outside world for centuries. Ndumi village in particular has the potential to be declared a cultural heritage site. The village covered the Ras Nyamaku peninsula for at least five centuries, until all residents were evicted for the first time in 1999. The area (now property of the Tanzania Port Authority) has some remaining ruins, in particular a unique imposing arch at its entrance that is probably found nowhere else in Tanzania. Sections of a town wall built in defense against marauding Maasai in the 19th century are still held together by the roots of fig trees. Old graves, wells and house foundations are scattered in a beautiful park landscape and shaded by huge ancient baobab trees.

There is archaeological evidence that the long and winding mangrove creek leading through Ras Nyamaku to the village had for centuries been used by dhows trading all along the East African coast from Arabia, India, and as far away as China. Archaeological artifacts found in abundance around the ruins of this ancient village give evidence of this, such as coins, beads and shards of pottery, among others of the Chinese Ming dynasty that are over 500 years old.

When the Ndumi villagers were evicted from Ras Nyamaku in 1999 and relocated to an adjacent area, they were told that their former land would be used for the new Mwambani port. Up to now the area remains unoccupied and has reverted to a coastal bush landscape.

However, there is documentary proof that already during this first eviction, only 53 out of 200 households have received new plots to settle. The remaining 147 households are since then squatting with relatives around Tanga, and have not received compensation for their land, properties and productive activities.

Now the Ndumi villagers, who have rebuilt their lives at a new location further inland, are being asked by Government to move again because of the expanded plans for the Mwambani port. The villagers have decided to resist this second eviction, until they are fully compensated for the first one. They tried in vain to find a lawyer prepared to take their clear-cut case, which is even time-barred, that is after 12 years, their claims for further compensation for the 1999 eviction will be invalid.

The Ndumi villagers are also discouraged to take legal action, because of the frustrating experiences of one group of them who possessed a salt making plant that was taken by government in the course of the evictions in 1999. The agreed compensation of 40 million TShs (ca. 26.000 US\$ today) was never paid to them, but apparently embezzled within government. They managed to get a lawyer to initiate a court case in time, that is in 2003, but this has since then just been sleeping in court with no progress whatsoever in over 7 years.

Actions Taken

- Several unsuccessful attempts to win a lawyer in Tanga for the case
- Various human-right organizations in DSM, LEAT, LHRC have been contacted without a response.
- Front-page press coverage in The Citizen, The Guardian and the international press (documented on www.tnrf.org/Mwambani) had no effect.
- The residents of Mwambani tried to register as an NGO (Residents' Association of Mwambani -RAM) with the mission to support government with the Marine park and environmental management of the area. But the NGO registration was stopped by the Regional Administrative Secretary (RAS) who refused to provide the required letter of support, and gave the initiators a serious verbal 'warning' not to proceed.

The Bigger Picture

Few people are aware of the fact, that the new deep-sea port of Mwambani is planned as 'the other end' of the Serengeti highway, and is thus one important component of the 'Northern Corridor Development Plan'. The Tanzanian Government Budget Framework for 2010/11-2012/13 issued by the Ministry of

Finance and Economic Affairs in February 2010 lists "the construction of the Arusha - Musoma Railway linking the proposed Mwambani port", as well as "development... of the soda ash project" at Lake Natron. The Tanga Coelacanth Marine Park is not mentioned in this document. ⁸

A government delegation including the Minister for Infrastructural Development of Uganda (where oil has recently been found) visited Tanga in March 2010 and signed a Memorandum of Understanding for the development of the Northern corridor (road, railway and new port). According to press reports, both governments agreed to construct the Tanga-Arusha-Musoma-Kampala road and railway line under a special infrastructure rehabilitation project. ⁹

It was also reported that Tanzania has now offered the Ras Nyamaku peninsula (the former Ndumi land) to Uganda for goods storage and for building the new port. "This land will link us to the sea. It is upon us to look for the money and build a port facility there because the land is available," Eriya Kategaya, Uganda's first deputy premier and minister in charge of EAC affairs said in an interview. ¹⁰

Meanwhile, the Tanzanian government maintains that implementation of the Serengeti northern road project would begin in 2012, even though environmental activists and conservation experts, both local and international, have opposed the multi-billion shilling road on the grounds that it would interfere with the park's ecology.

The state of conservation of Serengeti National Park was examined at the 34th Session of the World Heritage Committee meeting in Brasilia, in July 2010, and the Committee expressed its utmost concern about the proposed highway in the northern wilderness area of the Serengeti National Park. This proposed highway is part of Tanzania's Transport Sector Improvement Program (2002-2012). The North Road would be a part of the 452 km Natta-Mugumu-Taboro 'B'-Kleins-Loliondo-Mto wa Mbu tarmac road, and would likely become a major transit route between Rwanda, Burundi and Eastern Congo. When finished, the road would dissect 53 km of the northern wilderness area of the Serengeti. ¹¹

Along with the expressed concern, the World Heritage Committee has also asked Tanzania to consider one of the feasible and less environmentally damaging alternatives to the road. In terms of potential environmental deterioration, the damage to the park by the north road could be severe enough as to prompt inscription of the site on the List of World Heritage in Danger. Because of this, the Committee decided to send a monitoring mission by the World Heritage Center and the International Union for Conservation of Nature (IUCN) to the site, in order to assess the potential threats and discuss alternatives with national authorities. There was also a request from the Committee to have a report submitted by the State party by 1 February, 2011, which should include the status of the North Road proposal.

The concern of the potentially irreversible damage has spread throughout the international community, and has received a great deal of attention from conservationists, international organizations and the public alike. The UNESCO World Heritage Centre has received many petitions in response to Tanzania's North Road plan, and is continuing to reassure those concerned parties of UNESCO's commitment to finding a solution to the issue.

⁸ <http://www.morogoro.go.tz/images/Mwongozo%20wa%20Bajeti%202010.pdf>, (Pages 115-116, 145).

⁹ The Guardian 16.6.2010

¹⁰ New Vision online, 30.6.2010 by Ibrahim Kasita,

<http://www.newvision.co.ug/detail.php?newsCategoryId=220&newsId=724412>

¹¹ <http://whc.unesco.org/en/news/674>

Nevertheless the government's position to go ahead with the project was recently reaffirmed by President Jakaya Kikwete, who at campaign rally in Loliondo said that the project would go ahead despite petitions lodged by various interested parties.

For reasons hard to understand, the Serengeti road was used as an election campaign topic by politicians, who accused conservationists of denying Tanzania a much-needed road, while the above mentioned concerns and alternative proposals are not presented to the Tanzanian public. What the Tanzanian public is ignorant about is that the alternative road routing along the southern edge of the Serengeti ecosystem that conservationists propose, is by general consent not only shorter and cheaper to build but also reaches about two million more rural Tanzanians, and would thus reach the same target areas as the routing through the most critical part of the Serengeti. According to informed sources, this alternative route is also already funded by the World Bank and the African Development Bank.

Similarly, the multi-trillion US\$ so-called Northern Development Corridor planned to link Kampala with Tanga, needs also to be analysed for its economic and developmental justification. Not only will this huge infrastructural development plan duplicate the Kampala – Mombasa connection that is located just a few hundred kilometers to the north in Kenya, and thus probably negate the synergistic effects and economies of scale that are central to the East African Union, but it will, when implemented, also destroy three Tanzanian national parks and protected areas (some with CITES I species) in the process: the Serengeti, the Lake Natron Ramsar Wetlands, and the Tanga Coelacanth Marine Park.

What is at stake here, is not 'environment versus development', as is often claimed, but good economics of using the unique natural resources of Tanzania for the benefit of the whole country and its citizens, versus colossal environmental destruction by senseless White Elephants that feed only those involved in the land grab and the construction industry.

Recommendations

The past and ongoing evictions of residents in Mwambani Bay are clearly violating the law on several accounts and need to be addressed by the government of Tanzania:

- **No Environmental Impact Analysis (EIA) for the planned port development has been conducted as required by the Environmental Management Act 2004 prior to any land acquisition.**
- **The new Mwambani port has not yet been approved through the proper channels and has no financing yet, and there are also serious doubts about its nautical feasibility and economic viability, as it is located in close proximity to the underutilized Tanga port.**
- **It is also highly unlikely that the new deep-sea port development would be compatible with the gazetted Tanga Coelacanth Marine Park in the same location.**
- **The Land Act 1999 and other legal provisions were violated, in the justification for the evictions in 1999 and 2010, the eviction procedures followed, the amounts of compensation paid, and the failure to allocate alternative land for resettlement to the affected villagers.**

Never, never and never again shall it be that this beautiful land will again experience the oppression of one by another. - Nelson Mandela